

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

HAGSTROM PROPERTIES, L.L.C.,

No. C-06-4338 MMC

Plaintiff,

v.

DOW CLEANERS, et al.,

Defendants

**ORDER GRANTING DALE BRIGGS AND
GREGORY BRIGGS' MOTION TO
DISMISS; GRANTING PLAINTIFF LEAVE
TO AMEND; VACATING HEARING;
CONTINUING CASE MANAGEMENT
CONFERENCE**


Before the Court is defendants Dale Briggs and Gregory Briggs' motion, filed August 21, 2006, to dismiss plaintiff Hagstrom Properties, L.L.C.'s complaint, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. Plaintiff has filed a statement of non-opposition, requesting therein leave to file a First Amended Complaint. Having considered the papers filed in support of and in response to the motion, the Court deems the matter suitable for decision on the papers, VACATES the hearing scheduled for September 29, 2006, and rules as follows:

1. Defendants' motion is hereby GRANTED, without prejudice to plaintiff's filing, no later than October 16, 2006, a First Amended Complaint.

2. The case management conference is hereby CONTINUED from October 27, 2006 to December 8, 2006, at 10:30 a.m. in Courtroom 7. A joint case management statement shall be filed no later than December 1, 2006.

IT IS SO ORDERED.

Dated: September 25, 2006


MAXINE M. CHESNEY
United States District Judge